

Dear Premier:

I would like to thank you for the productive conversation we had at the First Ministers' Meeting on February 14, 2022, where we consulted you on the declaration of a public order emergency under the *Emergencies Act*.

I recognize many Canadians, including myself, are frustrated with the pandemic, and with having our lives disrupted for two years. However, while some protestors have participated to demonstrate their fatigue and frustration with public health measures, this is no longer the motivation of

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[APG]

many of the participants and organizers. We are seeing activity that is a threat to our democracy and that is undermining the public's trust in our institutions.

The Government of Canada believes firmly in the right to peaceful protest. But as we discussed, the activities taking place across the country have gone well beyond peaceful protest. These are organized events, and the situation is very volatile. While this may have started in Ottawa, we are seeing flare-ups in almost every jurisdiction. We are facing significant economic disruptions, with the breakdown of supply chains. This is costing Canadians their jobs and undermining our economic and national security, with potentially significant impacts on the health and safety of Canadians. It is affecting Canada's reputation internationally, hurting trade and commerce, and undermining confidence and trust in our institutions.

Given that this situation is escalating, we each have to look at all possible measures to resolve the current challenges as quickly as possible. We believe that we have reached the point where there is a national emergency arising from threats to Canada's security. That is why the Government of Canada has determined it is necessary to take action to protect Canadians and safeguard our economy by declaring a public order emergency under the *Emergencies Act*.

The declaration of a public order emergency serves as authority for Canada to enact measures under paragraph 19(1) of the *Emergencies Act*. During our call, Minister Lametti highlighted six types of temporary, time-limited measures that could be adopted under the *Emergencies Act*:

- 1. Regulation and prohibition of public assemblies that lead to a breach of the peace and go beyond lawful protest**

[APG]

What we are seeing in Ottawa and at the Ambassador Bridge are not lawful protests. Examples of measures could include: prohibiting minors from participating in an unlawful activity; prohibiting foreign nationals from entering Canada to participate in an illegal gathering; removing foreign nationals from Canada when appropriate; and adding to the list of offences that qualify as inadmissible criteria for entry into Canada.

2. Designating and securing places where blockades are to be prohibited

This could include borders, approaches to borders, other critical infrastructure, the City of Ottawa.

3. Directing persons to render essential services to relieve impacts of blockades on Canada's economy

This could include tow trucks and their drivers, for compensation.

4. Authorizing or directing financial institutions to render essential services to relieve impact of blockades

This could include regulating and prohibiting the use of property to fund or support the blockades.

5. Measures enabling the RCMP to enforce municipal by laws and provincial offences where required, and if asked by local authorities

[APG]

All measures enacted pursuant to the *Emergencies Act* would be enforceable by municipal and provincial police services; the RCMP can contribute if asked to do so.

6. The imposition of fines of imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*

Our Government recognizes the importance of coordinating with provinces, territories, and municipalities to ensure the safety and security of Canadians. Targeted, time-limited, and proportional measures under the *Emergencies Act* would provide further support to police within your jurisdiction. This is not about displacing provincial or territorial jurisdiction, or superseding measures you have in place. This is about supplementing measures in your jurisdictions with additional federal authorities to give local law enforcement the maximum leverage to be able to uphold the rule of law and deal with the situation we are facing. We want to ensure that the federal response complements the efforts that your governments and municipalities continue to make to bring stability to the nation.

Consultation and coordination will continue to be essential, which is consistent with the requirements of the *Emergencies Act* for consultations. Under a public order emergency, consultations can be completed up to seven parliamentary sitting days after a declaration.

In accordance with the statutory requirements of the *Emergencies Act*, I would appreciate your response before [date motion is to be tabled in Parliament]. I am also sharing this letter with the Lieutenant Governor of [NAME OF PROVINCE].

[APG]

I would like to thank you, once again, for the discussion we have had on the *Emergencies Act* and I look forward to continue to get your perspective through this ongoing, consultative process. Please follow up with me, or with Ministers Lametti, Mendicino, or LeBlanc, should you wish to discuss these matters further.

I am forwarding, for their information, a copy of this letter to: David Lametti, Minister of Justice and Attorney General of Canada; Minister Mendicino, Minister of Public Safety; and Minister LeBlanc, Minister of Intergovernmental Affairs, Infrastructure and Communities.

Sincerely,